

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 149**

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**Introduced by Assembly Member Weber**

January 18, 2013

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An act to add Section 2105.5 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 149, as amended, Weber. Registering to vote: *inmates and persons formerly incarcerated.*

Existing law provides that in order to be entitled to register to vote a person must be a United States citizen, a resident of California, 18 years of age, and not be incarcerated or on parole for a felony conviction.

~~This bill would state the intent of the Legislature to enact legislation to inform each person who completes all orders of imprisonment that the person may be entitled to register to vote and to provide information to the person on the procedures for registering to vote and a copy of a voter registration application require each county jail and state prison to provide an affidavit of registration and the most recent version of the Secretary of State's voting rights guide for incarcerated persons to each inmate, as provided. By imposing new duties on county jails, the bill would impose a state-mandated local program.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,*

*reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
 State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. (a) The Legislature finds and declares all of the*
- 2     *following:*
- 3         *(1) Many incarcerated inmates are not aware of the fact that*
- 4         *they may be eligible to register to vote and vote in California*
- 5         *elections.*
- 6         *(2) Many offenders who are discharged from state prison or*
- 7         *county jail and who are now on parole, postrelease community*
- 8         *supervision, mandatory supervision, or probation, or who may be*
- 9         *discharged therefrom, are not aware that they may be eligible to*
- 10         *register to vote and vote.*
- 11         *(3) There are issues on the election ballot that may affect*
- 12         *inmates and their families. Inmates and former offenders on parole,*
- 13         *postrelease community supervision, mandatory supervision, or*
- 14         *probation, or who may be discharged therefrom, are encouraged*
- 15         *to exercise their voting rights to express opinions on those issues.*
- 16         *(4) Contrary to popular belief, a person who has been convicted*
- 17         *of a felony in California may be eligible to register to vote and*
- 18         *vote after he or she has served his or her sentence and is no longer*
- 19         *on parole.*
- 20         *(b) It is the intent of the Legislature to encourage each parole*
- 21         *agent, probation officer, or other law enforcement official*
- 22         *responsible for the supervision of a former offender on parole,*
- 23         *probation, mandatory supervision, or postrelease community*
- 24         *supervision to ensure that the offender has been informed that he*
- 25         *or she may be eligible to vote and has been provided with an*
- 26         *affidavit of voter registration and the most recent version of the*
- 27         *Secretary of State’s voting rights guide for incarcerated persons*
- 28         *at any point during the parole, probation, or supervision but no*
- 29         *later than the time at which the individual is discharged from*
- 30         *parole, probation, or supervision.*
- 31         *SEC. 2. Section 2105.5 is added to the Elections Code, to read:*
- 32         *2105.5. (a) Each county jail and state prison shall provide an*
- 33         *affidavit of registration and the most recent version of the Secretary*

1 of State's voting rights guide for incarcerated persons to each  
2 inmate, as described in subdivision (b) or (c).

3 (b) Each county jail shall provide the documents described in  
4 subdivision (a) to each inmate serving a felony sentence upon the  
5 completion of the sentence, and to all other inmates at any time.

6 (c) Each state prison shall provide the documents described in  
7 subdivision (a) to each inmate upon the completion of his or her  
8 sentence.

9 (d) The requirements of this section do not apply to an inmate  
10 serving a felony sentence who remains imprisoned until death.

11 (e) County jails and state prisons shall obtain affidavits of  
12 registration from county elections officials and the voting rights  
13 guide from the Secretary of State.

14 SEC. 3. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.

19 ~~SECTION 1. It is the intent of the Legislature to enact~~  
20 ~~legislation to inform each person who completes all orders of~~  
21 ~~imprisonment that the person may be entitled to register to vote~~  
22 ~~and to provide information to the person on the procedures for~~  
23 ~~registering to vote and a copy of a voter registration application.~~